

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION**

RAJU NEAPOLLIOUN

PLAINTIFF

VERSUS

CIVIL ACTION NO.: 2:24-cv-00137-KS-MTP

**FORREST COUNTY SHERIFF'S DEPARTMENT,
KELBY LEWIS, OMER MOORE
and JOHN DOES 1-7**

DEFENDANTS

COMES NOW the Plaintiff, by and through undersigned Counsel and files this Motion for Extension of Time to serve Defendants in this matter, and in support thereof would show unto the court as follows:

This matter was filed under 28U.S.C. §1983 on or about September 3, 2024. At this time, no summons have been issued, but summons will be submitted to the clerk shortly. Thereafter, summons and the Complaint will be served upon the defendants in accordance with the Federal Rules of Civil Procedure. The reason that service has not been completed is inadvertence of counsel and the hectic practice of the Plaintiff's attorney, who is a solo practitioner.

Fed.R.Civ.P 6(b)(1)(B) allows a Court to at its discretion and for good cause extend the time for completion of service if a request is made by a party before the expiration of the time for service. Good cause exists when the trial court, in its discretion, finds excusable neglect.

See Lujan v. Nat'l Wildlife Fed'n, 497 U.S. 871, 895 (1990). Excusable neglect may be found where the relevant circumstances reveal inadvertent delays, mistakes, or carelessness of counsel. *Pioneer Inv. Servs. Co. v. Brunswick Assocs.*, 507 U.S. 380, 391 (1993). Excusable neglect encompasses even the negligence of counsel. *Id.* The delay in serving the Defendants was not done intentionally or in bad faith, but due to inadvertence. Thus, the Plaintiff prays that

this Honorable Court will extend the time to complete service in this matter for fourteen (14) days

WHEREFORE, ABOVE PREMISES CONSIDERED, the Plaintiff prays that the Court will grant this request and for General Relief.

RESPECTFULLY SUBMITTED, THIS THE 3RD DAY OF JANUARY, 2025.

RAJU NEAPOLLIOUN, PLAINTIFF

By: /s/ TRENT L. WALKER
Trent L. Walker, (MSB# 10475)
Attorney for Plaintiff

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